

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF PUERTO RICO

IN RE:	CASE NO. 23-02870-MCF7
Charles Muszynski xx-xx-1273	Chapter 7
Debtor(s)	DKT 124, 137 149

TRUSTEE'S REPLY TO ORDER

RE: CREDITORS MOTION TO DISMISS

TO THE HONORABLE COURT:

COMES NOW, Roberto Roman Valentin, Chapter 7 Trustee, and respectfully alleges an prays:

Introduction:

1. On December 29, 2023 this Honorable Court Ordered the undersigned to reply, within 30 days, to the creditors' motion to dismiss on Docket No. 124.
2. On October 16, 2023 Creditor filed Motion to Dismiss Case for Abuse, which pray for an Order dismissing Debtor's petition with prejudice to refiling for 12 months and awarding Movie Creditors attorneys' fees as a result of Debtor's bad faith bankruptcy filing.
3. On November 10, 2023, Debtor filed Opposition to Motion to Dismiss and reasons this Honorable Court should considered (Docket entry 137).

Trustee Response:

4. On September 12, 2023 (Dkt. 92) the undersigned was appointed Trustee for captioned case.
5. On September 15, 2023 (Dkt. 93) this Honorable Court Ordered:

The court orders STRICKEN FROM THE RECORD IN ITS ENTIRETY the United States Trustee's notice on Docket No. 92. The court clarifies that the last day to oppose the discharge or challenge whether certain debts are dischargeable was already

extended to October 23, 2023 (Docket No. 81). The deadline to object to exemptions has expired. The 341 Meeting of Creditors was concluded on June 30, 2023 and entered on the docket on July 12, 2023. If the current trustee wishes to examine the Debtor, he may avail himself of the Rule 2004 examination.

6. On August 23, 2023 Trustee Stephen J. Zayler filed before the Honorable Court a Chapter 7 Trustee's Report of No Distribution, stating:

"Ch. 7 Trustee's Report of No Distribution: I, Stephen J. Zayler, having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 3 months. Assets Abandoned (without deducting any secured claims): \$ 0.00, Assets Exempt: \$ 12230.00, Claims Scheduled: \$ 471322979.53, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 471322979.53. Filed by Stephen J. Zayler (Zayler, Stephen) [Transferred from Texas Eastern on 9/12/2023]."

7. As to the administration of the estate, the 341 meeting was concluded June 30, 2023, and Chapter 7 Trustee's Report of No Distribution was filed August 23, 2023. Trustee's Report of No Distribution was not objected by any party in interest and is final. Therefore, there are no assets in the estate for a Chapter 7 Trustee to administer.
8. The issue before this Court, should be considered as a two-party dispute between Debtor and Creditor. These parties have solely pursued litigation in the captioned case even before the case was transferred to the District of Puerto

Rico, and whose arguments are being exposed now before this Honorable Court. Litigation was initiated before the United States Bankruptcy Court for the Eastern District of Texas (Dkt. 51 and 63).

WHEREFORE, the Chapter 7 Trustee hereby requests that Honorable Court to take notice of the aforementioned and enter the order it deems appropriate.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all CM/ECF participants in this case. I further certify that I have mailed this document by First Class Mail postage prepaid to debtor, at the mailing address of record.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this, January 26, 2024.

/s/ Roberto Roman Valentin
Roberto Roman Valentin
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